

## **EXHIBIT 1**

### **INTRODUCTION**

Respondent Melodee Brewington is a member of the Board of Trustees of the Junction Elementary School District for the County of Siskiyou (the “County”). She assumed office on October 11, 1996 and has served continuously since her appointment. As a trustee of the Junction Elementary School District, Respondent is a designated employee of the County, as defined in section 82019, subdivision (c) of the Political Reform Act (the “Act”),<sup>1</sup> and in the conflict of interest code for the County.

Under the Act and the County’s conflict of interest code, each designated employee of the County is required to file an annual statement of economic interests for each year that he or she remains in office by April 1<sup>st</sup> of the following year (unless April 1<sup>st</sup> falls on a Saturday, Sunday, or official holiday, in which case the filing deadline is extended to the next regular business day).<sup>2</sup> On the statement of economic interests, the designated employee must disclose his or her reportable economic interests held during the preceding calendar year.

In this matter, Respondent failed to file a 2001 annual statement of economic interests by the April 2, 2002 due date.

The Enforcement Division handled this case on an expedited basis under the SEI Expedited Procedures adopted by the Commission in July of 1999.

For the purposes of this stipulation, Respondent’s violation is stated as follows:

As a designated employee of the County of Siskiyou, Respondent Melodee Brewington failed to file a 2001 annual statement of economic interests by April 2, 2002, in violation of section 87300 of the Government Code.

### **SUMMARY OF THE LAW**

An express purpose of the Act, as set forth in section 81002, subdivision (c), is to ensure that the assets and income of public officials, which may be materially affected by their official actions, be disclosed, so that conflicts of interest may be avoided.

In furtherance of this purpose, section 87300 requires every agency to adopt and promulgate a conflict of interest code. The agency’s conflict of interest code must specifically designate the employees of the agency who are required to file statements of economic interests disclosing their

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<sup>1</sup> The Act is contained in Government Code sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in sections 18109 through 18997 of title 2 of the California Code of Regulations. All regulatory references are to title 2, division 6 of the California Code of Regulations, unless otherwise indicated.

<sup>2</sup> Regulation 18116.

reportable investments, business positions, interests in real property, and other income. Under section 82019, subdivision (c), and section 87302, subdivision (a), the individuals who are to be designated in an agency's conflict of interest code are the officers, employees, members, and consultants of the agency, whose position with the agency entails making, or participating in making, governmental decisions that may have a reasonably foreseeable material effect on one or more of the individual's economic interests.

Section 87302, subdivision (b) provides that under an agency's conflict of interest code, each designated employee must be required to annually file a statement of economic interests for each year that the employee remained in office, at a time specified in the agency's conflict of interest code, disclosing his or her reportable economic interests for the preceding calendar year.

Under section 87300, the requirements of an agency's conflict of interest code have the force of law, and any violation of those requirements is deemed a violation of the Act.

## **SUMMARY OF THE FACTS**

### **Failure to Timely File a 2001 Annual Statement of Economic Interests**

Respondent Melodee Brewington has been a member of the Board of Trustees of the Junction Elementary School District since October 11, 1996. As a trustee of the Junction Elementary School District, Respondent is a designated employee of the County as defined in section 82019, and in the County's conflict of interest code.

Under the County's conflict of interest code, Respondent was required to file a 2001 annual statement of economic interests by April 2, 2002, because April 1<sup>st</sup> fell on a holiday that year.

Respondent failed to file a 2001 annual statement of economic interests by the April 2, 2002 due date, in violation of section 87300.

On April 10, 2002, Colleen Baker, the Siskiyou County Clerk, sent a letter to Respondent advising her that her 2001 annual statement of economic interests was past due, and asking her to file the statement within 30 days. On May 29, 2002, after receiving no reply from Respondent, Ms. Baker sent a second letter to Respondent stating that her 2001 annual statement of economic interests remained past due, and urging Respondent to file the delinquent statement within ten days. When the statement was not filed in response to Ms. Baker's letters, the matter was then referred to the Enforcement Division for the Fair Political Practices Commission (the "Commission").

On September 4, 2002, Mary Ann Kvasager, the SEI Coordinator for the Enforcement Division, attempted to contact Respondent by telephone, leaving her a message that her 2001 annual statement of economic interests was past due, and instructing her to file the statement immediately. On September 10, 2002, Respondent contacted Ms. Kvasager. During their telephone conversation Ms. Kvasager advised

Respondent that her 2001 annual statement was past due, and instructed Respondent to file the statement immediately.

An Enforcement Division attorney initiated probable cause proceedings, and served a report in support of probable cause on Respondent in September 2003. In response Respondent filed the delinquent 2001 annual statement of economic interests in conjunction with reaching a settlement of this matter.

### **CONCLUSION**

This matter consists of one count of violating section 87300, which carries a maximum administrative penalty of Five Thousand Dollars (\$5,000). Under the SEI Expedited Procedures adopted by the Commission in July 1999, the approved administrative penalty in a case such as this is been between \$400 -\$600 for each violation. Respondent filed her delinquent statement after being contacted by an Enforcement Division attorney and cooperated with reaching an early resolution of this matter. Therefore, the facts of the case justify imposition of the agreed-upon administrative penalty of Four Hundred Dollars (\$400).